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Request for Fee Waiver and Expedited Processing

The Department of Justice (Office of Information Policy) defines a “perfected” FOIA request as a request for records which adequately describes the records sought, which has been received by the FOIA office of the agency or agency component in possession of the records, and for which there is no remaining question about the payment of applicable fees.ⁱ The Association for the Advancement of Civil Liberties (AACL) is an incorporated non-governmental organization. As it’s Founding Member, I, W (Michael A. Ayele) had previously been informed that forms 1023, 2848, 5578, 5768 and SS4 were filed with the Internal Revenue Services (IRS) and that the AACL had been conferred 501(c)(4) status. The AACL is EEO compliant. It does not discriminate on the basis of gender, race, national origin, religious affiliation, sexual orientation or any other attribute the other may associate themselves with.ⁱⁱ The AACL does not represent in any way the views of the executive, judicial and legislative branches of the U.S government. I, W (Michael A. Ayele) am a member of the general public: I am a representative of the media.ⁱⁱⁱ The other has mentioned my YouTube channel on numerous occasions to me between January 2016 until May 20th 2016.^{iv} I, W have contributed several articles^v on the Huffington Post.^{vi} The AACL is mainly engaged in disseminating information within the meaning of the statute 5 U.S.C § 552 (a)(6)(E)(v)(II). Obtaining information about government activity, analyzing that information, and widely publishing and disseminating information to the press and public are critical and substantial components of the AACL work.^{vii} The records requested are not sought for commercial purposes and I, W plan to disseminate the information disclosed as a result of this request to the public at no cost. These records are urgently needed to inform the public about actual or alleged government activity. It is my opinion, that the AACL has satisfied the requirements for expedited processing of this request. The AACL requests a waiver document search, review, and duplication fees on the grounds that disclosure of the requested records is in the public interest and because disclosure is “likely to contribute significantly to public understanding of the operations or activities of the government and is not primarily in the commercial interest of the requester.” 5 U.S.C § 552 (a)(4)(A)(iii). The AACL requests a waiver of search fees on the grounds that the AACL qualifies as a “representative of the news media” and the records are not sought for commercial use. 5 U.S.C § 552(a)(4)(A)(ii)(II). Given the ongoing attention of the AACL to the issues presented, it is the opinion of the AACL that the records sought will significantly contribute to public understanding of an issue of profound public importance. *City of Baltimore v Burke? Project on Military Procurement v Dept of Navy?* The AACL is not filing this request to further its commercial interest. As previously mentioned, any information disclosed by the AACL as a result of this FOIA request will be available to the public at no cost. Thus a fee waiver would fulfill Congress’s legislative intent in amending the

FOIA. Has Congress not amended FOIA to ensure that it be liberally construed in favor of waivers for noncommercial requesters? *Judicial Watch, Inc v Rossotti*? *Eudey v CIA*? Does burden for justifying nondisclosure fall upon the agency who is in receipt of a request for records? *Petroleum Inf. Corp v U.S Dept of Interior*?

Work Cited

ⁱ Department of Justice (Office of Information Policy) Guidelines:

<https://www.justice.gov/oip/blog/foia-update-oip-guidance-guidelines-agency-preparation-and-submission-annual-foia-reports>

ⁱⁱ I am seriously worried: I am concerned. My relationship with the other for legal purposes is accounted for with the Internal Revenue Services (IRS). With the IRS, I had in 2017 submitted for filings Forms 1023, 2848, 5578, 5768 and SS4. I was afterwards informed that the Association for the Advancement of Civil Liberties (AACL) was conferred 501 (c)(4) Status. I have last seen the 501 (c)(3) Foundation Center in the District of Columbia in 2015. (<https://www.youtube.com/watch?v=CE7HBqKJ4hg>) It was in the District of Columbia, that I had formally inquired about the legal steps one needed to take to incorporate a non-profit/non-governmental organization (NGO). I would like to take this opportunity to reiterate that the AACL does not discriminate on the basis of gender, race, national origin, religious affiliation, sexual orientation or any other attribute the other may associate themselves with. I have always filed “single” on my IRS tax return form. I’ve never been in a romantic relationship. I’ve never romantically cheated upon the other. I’ve never been romantically cheated upon. On November 28th 2016, the United States District Court for the District of Maryland through Peter J. Messite ordered in Civil Action No. PJM – 16 – 3778 that 1) the motion I had filed for leave to proceed in *Forma Pauperis* was granted. 2) The clerk shall mail a copy of this order, together with 3 copies of the U.S Marshall service of process form to Plaintiff. {...} 3) Upon receipt of the U.S Marshall forms and service copies, the Clerk shall issue summons and forward same together with the complaints, the U.S Marshall forms, and a copy of this Order to the U.S Marshall. 4) The U.S Marshall is directed to effectuate service of process on Defendants at the addresses provided by Plaintiff. If the U.S Marshall uses U.S Postal Service delivery to effect service on Defendants, it shall do so by restricted delivery, certified mail. The United States District Court of Maryland located 6500 Cherrywood Lane, Greenbelt, MD and 101 West Lombard Street, Baltimore, MD have previously accepted a motion I had filed to proceed in *Forma Pauperis*. For purposes of the Maryland Public Information Act, it is my opinion that I would qualify as an “indigent” in the eyes of the U.S District Court since my financial circumstances have not improved since Peter Messite November 28th 2016. Is it not both unfair and contrary to the spirit of records request to deny a financially limited organization a fee waiver without prior contact of the judicial branch of the U.S government? *Lykins v United States Department of Justice*?

ⁱⁱⁱ These articles have been broadly circulated to the public and are widely available to everyone at no cost. The AACL meets the statutory and regulatory definitions of a “representative of the news media” because it is an “entity that gathers information of potential interest to a segment of the public, uses its editorial skills to turn the raw material into a distinct work, and distributes that work to an audience.” 5 U.S.C § 552(a)(4)(A)(ii)(III), 5 C.F.R § 2604.103; 28 C.F.R § 16.10(b)(6); 5 C.F.R § 294.103(c); 41 C.F.R § 105-60.305-1(i). Have the courts not found in *Nat’l Sec. Archive v DOD* that an organization that gathers information, exercises editorial

discretion in selecting and organizing documents, “devices indices and finding aids,” and “distributes the resulting work to the public” is a “representative of the news media” for purposes of the FOIA? *Serv. Women’s Action Network v DOD?*

iv The link to my YouTube channel can be found here:

https://www.youtube.com/channel/UCMuItC_CoA7t6XCjCC19mBg/videos?view=0&sort=dd&shelf_id=0.

My YouTube channel has previously been referenced in correspondence which were submitted to the United States District Court of Maryland located respectively 101 West Lombard Street, Baltimore; MD and 6500 Cherrywood Lane, Greenbelt; Maryland.

v Michael W Questions to the U.S Department of Commerce, January 2018; Huffington Post:

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https://www.huffpost.com/entry/michael-w-interrogatories_b_5a2a71c5e4b0d7c3f26221b8

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https://www.huffpost.com/entry/who-owns-the-internet_b_59bf7ed1e4b02c642e4a1866

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On Political Correctness, January 2017, Huffington Post: https://www.huffpost.com/entry/on-political-correctness_b_5888931be4b04251e621fa79

On Tuition Free Education and Merit, January 2017, Huffington Post:

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On the Right to Travel and So-Called “Immigrants,” October 2017, Huffington Post:

https://www.huffpost.com/entry/on-the-right-to-travel-and-so-called-immigrants_b_57fbaf6ae4b0b665ad81867e

In Defense of Wikileaks: Happy Anniversary, October 2016, Huffington Post:

https://www.huffpost.com/entry/in-defense-of-wikileaks-happy-anniversary_b_57f398e8e4b06676539268ad

^{vi} About I, W (Michael A. Ayele): <https://www.huffpost.com/author/mbayelm13-384>

^{vii} Have courts found that the ACLU as well as other organizations with similar missions that engage in information dissemination activities similarly to the ACLU are “primarily engaged in disseminating information? *Leadership Conference on Civil Rights v. Gonzales*, 404 F. Supp. 2d 246, 260 (D.D.C. 2005); ACLU, 321 F. Supp. 2d at 29 n.5; *Elec. Privacy Info. Ctr. v. DOD*, 241 F. Supp. 2d 5, 11 (D.D.C. 2003)?